

feasible was defined as a level which implies that carriers are able to utilize Ameritech's OSS in a manner sufficient to accommodate the demand of a new LEC's services by end users.

Staff concluded that the OSS requirement in the 1996 Act had not been met. Staff noted that although Ameritech's agreement with CCT provides for OSS, CCT was having trouble notifying customers about the status of repairs. Moreover, CCT had not yet requested the electronic interfaces for repair and maintenance. Based upon the forgoing, Staff recommended that the Commission find that Ameritech had not met the checklist with respect to this item. In addition, after reviewing the status of the five OSS interfaces relative to the criteria of internal testing, carrier to carrier testing, and operational readiness, Staff reaffirmed its conclusion that the OSS requirement in the 1996 Act had not been met.

The Examiner concluded in the Proposed Order that it is simply too early to determine whether the OSS will operate properly, and stated that without actual testing with other carriers, this checklist item cannot be available. The Examiner agreed with Staff that Ameritech must supply empirical evidence that its OSS are operational and functional, and specifically stated that meeting the checklist item requires more than Ameritech having its side of the interface operational. (Proposed Order, p. 28).

In the second phase of this proceeding, Ameritech introduced new information based primarily on the analysis of Mr. Robert H. Meixner, a partner in the

Communications Industry Group at Andersen Consulting. (Ameritech Illinois Exs. 11.0 and 11.1). Mr. Meixner directed a team of consultants that conducted a review of Ameritech's OSS interfaces during March and April of 1997. Mr. Meixner introduced and discussed the ordering guides, discussed operational readiness of the interfaces, and discussed the capacity readiness of the pre-ordering interfaces. (Ameritech Illinois Ex. 11.0, pp. 2 and 3). Mr. Meixner concluded that the ordering guides contained the information requesting carriers will find helpful in using Ameritech's OSS interfaces. (Ameritech Illinois Ex. 11.0, p. 3). He also indicated that "Our review of the results of the internal testing, carrier-to-carrier testing and actual use of Ameritech's OSS interfaces leads us to believe that the interfaces are operationally ready." Finally, based on the results of computer testing that the team reviewed, Mr. Meixner concluded that the electronic capacity of the pre-ordering interface today is adequate to meet the current demand forecast through the fourth quarter of 1997. (Ameritech Illinois Ex. 11.0, p. 4).

Regarding Mr. Meixner's conclusion that the results of internal testing, carrier-to-carrier testing and actual use of Ameritech's OSS interfaces leads him to believe that the interfaces are operationally ready, Staff cannot concur. Staff's position is supported by Schedule 3 to Mr. Meixner's Direct Testimony , which is titled "Function/Product Test Matrix." (Ameritech Illinois Ex. 11.0). This matrix includes the five OSS functions relative to the product groups. Within this matrix, Mr. Meixner indicates whether each OSS function has experienced (1) actual use, (2) carrier-to-carrier testing, or (3) internal testing. Out of 105 possible boxes, only 11 boxes

indicate that they have experienced internal testing, carrier-to-carrier testing and actual use.

Schedule 4 of Mr. Meixner's Direct Testimony is a spreadsheet titled "EDI Electronic Order Analysis, Order Status of April 1, 1997." For the time period January 1997 through March 1997, approximately 50% of the orders received electronically were electronically processed as planned. The other 50% of the electronic orders were either placed manually or were rejected. Staff does not believe this level of performance leads to a conclusion that Ameritech's OSS can be considered "operationally ready."

Mr. Meixner objected to the concept that Ameritech Illinois' OSS interfaces could be ready and able to process data, but still would not be deemed operationally ready until other carriers request, implement, and use every interface. Mr. Meixner indicates that his review of Ameritech's internal testing is, in effect, a surrogate for actual use and carrier-to-carrier testing. Mr. Meixner states that his review of Ameritech's internal testing persuades him that the OSS systems function properly and as they were designed to do. (Ameritech Illinois Ex. 11.1, p. 7). Mr. Meixner's conclusions are not persuasive due to the following observations:

Mr. Meixner has never provided an opinion on the operational readiness of systems being made available in connection with the 1996 Act prior to this docket. (Tr. at 1760).

The independence of the review is suspect, since the scope and performance of the audit team's work was heavily influenced by the auditee. (Tr. at 1775-1776, 1834).

The auditors failed to review the AIIIS testing problem log, resale bugs not fixed log, or issues general log. The consulting team did not ask Ameritech if they had any system by which they tracked problems they were experiencing with their OSS. (Tr. at 1777-1778).

No member of the audit team attempted to contact any CLEC using Ameritech's OSS to determine what their experience with the systems had been. (Tr. at 1782).

The audit team relied largely on the internal testing done by Ameritech. (Tr. at 1786).

The audit team reviewed the interface, but did not review the performance of the legacy systems supporting the interface, i.e., end-to-end integration. (Tr. at 1790, 1800-1801).

The audit team made no attempt to determine whether or not Ameritech was meeting its service commitments with telecommunications carriers. (Tr. at 1815).

For these reasons, Staff is unable to accept the Andersen Consulting review as an adequate surrogate for carrier-to-carrier testing or actual use of Ameritech's OSS interface.

Staff is also concerned about the appropriateness of listing Ameritech Payphone Services ("APS") as an example of "actual use" of Ameritech's repair and maintenance OSS. Staff notes that APS is an Ameritech affiliate, and that APS had little or no role in the development of its repair and maintenance interface. The development of APS' interface was facilitated by AIIIS. (Tr. at 2035-2037). Accordingly, there was no "arms-length" OSS development process that could be reasonably extrapolated to a CLEC.

Ameritech also presented Mr. Joseph A. Rogers as a witness supporting the conclusion that its OSS interfaces were operational and functional. (Ameritech Illinois Ex. 9.1, p. 2). During extensive cross, it was clear that there are still significant problems with Ameritech's OSS, including double billing, rejected orders and manual processing. (Tr. at 1895, 1916, 1925).

On cross-examination, both Mr. Meixner (Tr. at 1816) and Mr. Rogers (Tr. at 1929) indicated that manual processing was not more inefficient than electronic processing. This position is contrary to the following statements from the "Electronic Service Ordering Guide" published by Ameritech Information Industry Services ("AIIS"):

"Computer-to-computer" means that no humans intervene, so there is less likelihood of keying errors, mishandled or lost forms, and a general lessening of the volume of paper that companies have to deal with.

The immediate impact of 'going electronic' with EDI is eliminating costs associated with handling paper documents and the resulting time savings and increase in accuracy." (Ameritech Illinois Ex. 12.0, Schedule 1, p. 1.3).

Accordingly, the position of the Company's OSS witnesses is inconsistent with the Company's position on manual processing, as reflected in the referenced ordering guide.

Regarding ordering guides, Staff concurs that the ordering guides attached as Schedule 1 to Meixner's Direct Testimony and as Schedule 1 to Rachel Foerster's Direct Testimony are a step forward in communicating ordering procedures to CLECs. (Am. II. Ex. 12.0). However, Staff remains concerned that the ordering guides do not yet contemplate a positive reporting mechanism for changes or updates. (ICC Staff Ex.

5.03, pp. 5-7). Ameritech's current proposal calls for passive distribution of changes or updates via posting to AIIIS' Home Page, unless the telecommunications carrier lacks access to the Internet. If the telecommunications carrier lacks access to the Internet, Ameritech is willing to send that carrier a copy of the update via e-mail or facsimile. (Ameritech Illinois Ex. 8.2, p. 21).

Staff does not believe that Ameritech should require carriers to check the Internet daily for changes or updates to the ordering guides that may impact them. A positive reporting mechanism will increase the likelihood that telecommunications carriers will receive the change on a more timely basis. (ICC Staff Ex. 5.03, p. 6). Proactive communication between the incumbent LECs and the new LECs will facilitate the competitive process. Staff continues to recommend that Ameritech positively report changes in the ordering guides to users.

It is clear from the evidence adduced at the supplemental stage of this proceeding that CCT has still not implemented electronic interfaces for repair and maintenance functions. Therefore, the Commission should find that Ameritech has not met the checklist with respect to this item.²

² In ICC Staff Exhibit 3.02, Staff stated that Ameritech should provide a statement regarding its intention to offer dark fiber as ordered in Docket 96-AB-003/004. In Docket 96-0486, Ameritech states in its Exhibit 2.1 at 22-23 that the Company agrees to modify its tariff to include dark fiber once the commission approves the interconnection agreement between Ameritech and MCI. Although Ameritech has agreed to provide such language, Staff contends that the provisioning language regarding dark fiber should not be tied to the Commission's approval of an interconnection agreement. ICC Staff Ex. 3.02 at 7.

C. *Poles, Ducts, Conduits and Rights-of-Way*

In the initial stage of these proceedings, Staff determined that the CCT/Ameritech agreement provided CCT with access to poles, ducts, conduits and rights-of-way, and that CCT was taking poles under the agreement. However, Staff took no position on whether Ameritech had met this checklist item.

As the record now stands, Ameritech is only providing poles to CCT. Ameritech has not asserted that CCT has failed to comply with an implementation schedule with respect to the other parts of this checklist item, nor has it asserted that CCT has failed to negotiate in good faith. For these reasons Staff takes the position that for these reasons alone, the Commission should find that Ameritech has failed to meet this checklist item.

In addition during the supplemental proceedings, Ameritech presented a document entitled the Ameritech Structure Access Guidelines which defines the process by which an attaching party (new LEC) obtains access to Ameritech's poles, ducts, conduits and right-of-ways. Staff stated that certain portions of these guidelines are discriminatory to new entrants as they place restrictions on the new LECs, or does not treat new LECs as Ameritech would treat itself. As a result, the Commission should not find Ameritech in compliance with checklist item (iii) until these portions of the guidelines are modified.

On page 13, Item 6.21 of the Structure Access Guidelines, it states that Ameritech is not required to construct ducts, interducts and conduits in locations where these items do not currently exist for an attaching party. Staff identified that in the FCC Order at ¶ 1162, that a utility is to expand capacity for requesting carriers as it would provide these facilities to itself if required. Staff concluded that, if required, Ameritech would provide additional facilities in locations where those facilities do not currently exist and the company would construct ducts, interducts and conduits to satisfy its needs. ICC Staff Ex. 3.03 at 2-4.

On page 7, Section 3.02 of the Ameritech Structure Access Guidelines, the company states that it will "not create additional information or provide information in formats other than that in which it currently exists". Further, that Section states that Ameritech personnel representatives will not be required to make field visits to gather any additional information not currently available on maps and/or records.

Again, Staff contends that these limitations are discriminatory in that Ameritech would provide this information to itself if required. Staff Ex. 3.03 at 4.

On page 7, Section 3.03 of the Structure Access Guidelines, Ameritech provides limiting language regarding confidential and proprietary information. Ameritech states that, if records and/or maps contain confidential and/or proprietary information, Ameritech will expunge such information prior to providing the documents to the attaching party and will provide a cost estimate for the preparation of the information.

Staff stated that the type of information that would be expunged could only be determined on a case-by-case basis. Staff did state that the attaching party may very well agree to confidentiality agreements to secure the information. If this is the case, Staff contends that Ameritech should not expunge the information or charge the party for expunging the information. ICC Staff Ex. 3.03 at 5.

On page 8, Section 3.7 of the Structure Access Guidelines, Ameritech states that it will not make copies available if they are not mechanized. Staff contended that Ameritech would provide this information to itself if needed. Staff further concluded that, although the costs for making these types of reproductions may be greater than a mechanized system, the process is available and the costs of such documents would be paid for by the attaching party. ICC Staff Ex. 3.03 at 5-6.

On page 18, Section 7.18 of Ameritech's Structure Access Guidelines, the company states that it will not be required to construct or acquire additional poles in locations where the company's poles do not currently exist in order to provide attachment to the attaching party. The company further states that it may consider constructing or acquiring such extensions upon request.

Upon reviewing the FCC Orders at ¶¶1161, 1162 and 1163, Staff contends that Ameritech is required to take all reasonable steps to accommodate requests for access, including construction or acquisition of additional poles. Clearly, Ameritech would provide additional poles to itself if required, except for expansions or acquisitions that would cause safety concerns. ICC Staff Ex. 3.03 at 6-7.

E. Unbundled Local Transport

Common Transport

Common transport is Ameritech's interoffice network that is used for transporting telecommunications traffic from one end office to another end office. This traffic includes cellular, interexchange and/or local calls and is the transport piece of Ameritech network that carries traffic common to the network.

Ameritech contends that common transport is not a network element and therefore does not have to be provided on an unbundled basis. Ameritech claims that, based on the fundamental premise of Section 271(c)(2)(v), local transport must be "unbundled from switching or other serviced". Ameritech states that, as an engineering fact, common transport is not and cannot be unbundled from switching and still operate as common transport. Ameritech Illinois Ex. 1.4 at 4. Ameritech further states that common transport services utilize Ameritech's end office and tandem switches in conjunction with interoffice transmission facilities. This function furnishes ubiquitous connectivity between two or more central office switches to carry the calls of end users

and carriers. Ameritech further states that common transport allows for the handling of undifferentiated usage between any two points on Ameritech's network. Ameritech Illinois Ex. 10.0 at 18. Also, Ameritech states that common transport is the switching that enables the interoffice trunks to be used in common, meaning the ability to provide over the same trunks a variety of local, toll and access services between any point on Ameritech's network. Ameritech contends that common transport is a switched transport service that allows calls to be routed between any two points on Ameritech's network. Because the transport associated with common transport cannot be unbundled from the switching capabilities and still function, Ameritech claims that this service is not a network element. Ameritech Illinois Ex. 10.0 at 19.

In lieu of providing common transport, Ameritech has developed a new transport option entitled Shared Company Transport. Under this arrangement, new LECs may obtain dedicated transport services at less than DS-1 levels up to a total of 23 trunks. At 23 trunks, the new LEC would subscribe to a DS-1 service which provides the equivalent of 24 voice grade channels. The company has developed two billing options for this service. One billing option is based on a flat-rate, per trunk monthly charge that is 1/24 of the DS-1 rate for each trunk and the other is a usage sensitive option based on minutes of use. This service will not carry traffic over Ameritech's existing switched interoffice network, but will provide services over dedicated facilities. Ameritech Illinois Ex. 1.4 at 6-9.

Ameritech further stated that the real objective requiring the demand for common transport is related to price and nothing else. Ameritech Illinois Ex. 1.5 at 2. Ameritech claims that the new LECs are asking for precisely the same unbundled services that are already available today through Ameritech Illinois' wholesale and carrier access service offerings. Ameritech claims that the new LECs expect Ameritech to originate, route and terminate their traffic with no engineering or planning responsibilities of any kind on their part. Ameritech Illinois Ex. 1.5 at 2-3. Ameritech claims that its service options of Shared Carrier Transport and the new Shared Company Transport establish direct end office to end office trunks and provide ample ability and incentive for an efficient network to be maintained. Further, Ameritech states that speculations by AT&T of exhausted tandems and network blockage would only occur if a network design that is inefficient from both an economic and engineering standpoint would be put in place. Ameritech Illinois Ex. 1.5 at 5-6.

Both AT&T and Staff have stated that common transport is a network element and therefore should be available for use by new LECs and that the option developed by Ameritech entitled Shared Company Transport does not satisfy the requirements of the Act for the provisioning of call transport. Further, both AT&T and Staff are very concerned that the option offered by Ameritech may not be technically feasible under existing network designs.

AT&T contends that common transport is a network element and identifies the FCC statement regarding transport that states:

For some elements, especially the loop, the requesting carrier will purchase exclusive access to the element for a specific period, such as on a monthly basis. Carriers seeking other elements, especially shared facilities such as common transport, are essentially purchasing access to a functionality of the incumbent's facilities on a minute-by-minute basis." FCC First Report and Order, ¶ 258. AT&T Ex. 9.0 at 3-4.

AT&T responds to Ameritech's contention that common transport is not a network element because it combines functionalities by referencing other unbundled local switching elements that also combine functionalities. AT&T gives examples for local switching which also include signaling and databases. AT&T further points out signaling which also requires associated links and signal transfer points. Further, AT&T points out Section 251(c)(3) of the Act that makes explicit that "an incumbent local exchange carrier shall provide such unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service". AT&T Ex. 9.0 at 5.

AT&T further states that other Bell operating companies have allowed for the provisioning of common transport. These companies are Southwestern Bell, U.S. West and Bell Atlantic. AT&T Ex. 9.0 at 6-7.

In response to Ameritech's proposal of Shared Company Transport, AT&T contends that this service is not a shared transport at all, but rather an option for the

purchasing of dedicated transport on a circuit-by-circuit basis at a DS-0 level. Therefore, new LEC traffic will not be carried over Ameritech's existing switched network, but instead over a separate dedicated facility provisioned for new LECs' use. Further, AT&T stated that CLECs are still required to order dedicated transport between end offices where end user customers are served and all of Ameritech tandem switches. AT&T Ex. 9.0 at 7-8. AT&T concluded that the new Shared Company Transport option would require each new LEC to design and build its own overlaying network from scratch through the purchase of dedicated trunks according to AT&T that would entail unnecessary and costly duplication of existing network facilities. AT&T Staff Ex. 9.0 at 10.

Staff contends that common transport is a network element based on the FCC Order and the Act's definition of a network element contained in Section 152(29) which defines the network element as follows:

A facility or equipment used in the provision of a telecommunications service. Such term also includes features, functions, and capabilities that are provided by means of such facility or equipment, including subscriber numbers, database signaling systems, and information sufficient for billing and collections or used in the transmission, routing, or other provision of a telecommunications service.

Because common transport is used by Ameritech in the transmission and provisioning of a telecommunications service, Staff contends that common transport is a network element. ICC Staff Ex. 3.03 at 8-9.

Staff further contends that there are no technical constraints that would prevent Ameritech from providing access to common transport as a network element. ICC Staff Ex. 3.03 at 9.

In response to Ameritech's contention that common transport could not be unbundled from transport and switching, Staff quoted the Order at ¶1010 which states:

We conclude for a combination of a flat-rated charge for line ports, which are dedicated to a single new entrant, an either a flat rate or per-minute usage charge for the switching matrix and for trunk ports, which constitute shared facilities, best reflects the way costs for unbundled local switching are incurred and is therefore reasonable.

Therefore, Staff concludes that the FCC intended for elements to be combined and for common transport to be offered as an unbundled network element. ICC Staff Ex. 3.03 at 10. Further, Staff stated that the FCC definition of interoffice transmission facilities as they may relate to common transport as follows:

Incumbent LEC transmission facilities dedicated to a particular customer or carrier, or shared by more than one customer or carrier, that provide telecommunications between wire centers owned by incumbent LECs or requesting telecommunications carriers or between switches owned by incumbent LECs or requesting telecommunications carriers." 47 CFR §51.319(d).

Staff registered its concerns regarding the provisioning of Ameritech's Shared Company Transport by questioning whether an IXC would have to determine whether each call is being made to a customer of a new LEC. If this is the case, use of a separate database comparable to the database required for permanent number portability would have to be provided by each IXC to terminate the call. This database

would have to be developed and maintained at each IXC point of presence, rather than the existing routing processes used for common or dedicated transport to the incumbent LEC switch. The costs of developing the new routing procedure would be burdensome to the new LECs and IXCs. ICC Staff Ex. 3.03 at 13-14.

AT&T witness, Mr. Robert Sherry, concurred with Staff's assertion by stating:

If an interexchange carrier were to deliver calls to a LEC, they would have to have something, as Mr. Gasparin points out, to figure out whether to deliver that down a shared transport or dedicated transport that the CLEC provides or through Ameritech's transport down to the customer.

And so something like this database or other means that an interexchange carrier would have to determine would be required." Tr. 2053.

Mr. Sherry further stated that "Such changes may be technically feasible, but would be extremely cumbersome from the interexchange standpoint, especially since the interexchange carrier has no priori [sic] (prior) information about who is providing local service." Tr. 2054.

Mr. Sherry stated that if a parallel network must be provided similar to the number portability database, a two year time period may be required. Tr. 2055.

Staff also stated that, while it was true that Ameritech must switch traffic it receives from common transport, the billing system can separate that performed from ULS purchasers and that performed for Ameritech-switched access service. ICC Staff Ex.3.03 at 10. AT&T witness Sherry supported that conclusion by stating that Bell

Atlantic will provide a database to do recordings for terminating access and will have that database in place by August of 1997. Tr. 2050.

For the reasons set forth in Staff's Initial, Reply and this Brief, Staff recommends that the Commission find that Ameritech has not met the checklist with respect to this item.

L. Local Dialing Parity

It is Staff's position that a customer of Ameritech and a customer of a competing carrier should dial the same exact number of digits to reach a repair office. As noted by the Hearing Examiner's Proposed Order, Ameritech should either implement a technical solution to allow resellers' end users to dial 611 and reach the reseller or alternatively, expand the 611 service repair number to ten digits, the same number of digits a reseller would use for its service repair center. Therefore, until this occurs, Ameritech is not in compliance with the dialing parity checklist item.

The FCC concluded that with multiple LECs in the local market, access to these codes for repair and business offices uses by only one facilities-based carrier serving that market would be anti-competitive. The FCC further concluded that all providers of telephone exchange service, both incumbents and new market entrants, whether facilities or non facilities-based providers of telephone exchange service, should be enabled to use the 611 codes for repair services as the incumbent LECs do now; and

by dialing these N11 numbers, customers should be able to reach their own carriers' repair services.

Mr. Gebhardt notes in his supplemental direct testimony that Ameritech will implement 800/888 number access for all customers not now using 10 digits to access Ameritech Illinois' repair service. Mr. Gebhardt also notes that implementation of 800/888 ten digit access for repair service will take place effective May 15, 1997 and that a message recording for 611 calls will be implemented on May 1, 1997, announcing the change. Additional notification will occur through other bill messages, advertising and customer contact.

Furthermore, Mr. Gebhardt notes in his supplemental direct testimony that after the 800/888 number is made available on May 15, 1997, permissive dialing of either the 611 or 800/888 number will be allowed until July 15, 1997. After July 15, 1997 Ameritech Illinois' repair services will be available only through the 800 number. The Company will maintain an intercept message on 611 until a full cycle of new directory deliveries has been completed.

It is Staff's opinion that if the change takes place as described by Ameritech, it appears that Ameritech would meet the checklist requirements for 611 dialing parity when the permissive dialing period ends on July 15, 1997.

N. Resale

Checklist item (xiv) requires Ameritech to provide access and interconnection that includes telecommunications services for resale in accordance with the requirements of Sections 251 (c)(4) and 252(d)(3) of the 1996 Act. In the Proposed Order, the Examiner concluded that Ameritech's wholesale/resale offering complied with the Commission's Resale Order in Docket 95-0458/0531, with Section 251(c)(4) and 252(d)(B) and therefore with the competitive checklist. The Examiner rejected AT&T's assertion that Ameritech should be required to provide to resellers the selective routing to AT&T's operator services and directory assistance ("OS/DA") platform, finding that the offering was not technically feasible except on a case by case basis. The Examiner noted that OS/DA was available to purchasers of unbundled local switching, which allowed AT&T access to this platform configuration.

In Staff's Initial Brief, Staff argued that there were four areas in which Ameritech's November 20, 1996 wholesale tariffs did not comply with the Commission's Resale Order. Subsequent to this November 19, 1996 tariff filing, Ameritech updated its wholesale tariff, thereby reducing the areas of noncompliance identified at that time to the unbundling and branding of OS/DA. Staff Initial Brief, p. 101.

In terms of checklist compliance, Staff concluded that Consolidated Communications ("CCT") was the only facilities-based carrier actually providing service to both residential and business customers. Because Ameritech was not providing

wholesale services to CCT, Staff concluded that Ameritech had not complied with Section 271(c) for this checklist item. Staff Initial Brief, p. 101.

On February 20, 1997, subsequent to the filing of briefs and reply briefs in this proceeding, Staff submitted to the Commission a proposed investigation order to investigate Ameritech's wholesale tariff. The five issues identified at that time included: 1.) aggregation of usage services to obtain volume discounts as discussed by the FCC Order in CC Docket 96-98; 2.) competitive classifications of the services in the Ill. C. C. No. 19, Part 22 tariff; 3.) appropriate charges to be applied when a customer converts to a reseller on an "as is" basis; 4.) unbundling of Operator Services and Directory Assistance (OS/DA); 5.) branding of resold OS/DA services; and, 6.) access to Advanced Intelligent Network (AIN) triggers. The language of the order was found to have some legal infirmities. The docket was dismissed with the understanding that a new order would be submitted.

Since the dismissal of the investigation, it has come to Staff's attention that Ameritech is not offering to sell on a wholesale basis the 9-1-1 services provided to Public Safety Answering Positions (PSAPS). Since Ameritech's wholesale order was approved by the Commission, FCC Order 96-325 was entered. Paragraph 871 of that order states:

Section 251(C)(4)(A) imposes on all incumbent LECs the duty to offer for resale "and telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers." We conclude that any incumbent LEC must establish a wholesale rate for each retail service that: (1) meets the statutory definition of a "telecommunications service;" and (2) is provided at

retail to subscribers who are not "telecommunications carriers." We thus find no statutory basis for limiting the resale duty to basic telephone services, as some suggest.

As a result of the FCC's order, Ameritech must justify the exclusion from its wholesale tariff of 911 services provided to (PSAPs).

Staff concludes that the information to be gathered during the investigation contemplated by a new Staff Report will allow Staff to determine whether the provisions of Ameritech's wholesale tariffs are in violation of Commission and/or FCC orders. Until that investigation is completed, Staff cannot give an informed opinion as to whether Ameritech has met checklist requirements with respect to resale. For these reasons, as well as the fact that Ameritech is still not offering wholesale services to CCT, Staff recommends that the Commission find that Ameritech has not met the competitive checklist with respect to this checklist item.

CONCLUSION

Wherefore, the Staff of the Illinois Commerce Commission respectfully requests that its recommendations be adopted for purposes of the Commission's consultation with the FCC in connection with the anticipated filing by Ameritech Illinois of a request for authorization to provide in-region interLATA services.

Respectfully submitted

Illinois Commerce Commission Staff

By: 

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Dated: May 21, 1997

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Transcript from Open Commission Meeting on 04/03/97

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Meeting Start: 11:00 a.m.

Commission Chairperson Parrino joined the meeting by phone. Commissioners Mettner and Eastman were in attendance.

EASTMAN: This will bring the open meeting for Thursday, April 3rd, 1997, *to order*. Could I have information on the minutes?

THE CLERK: On the minutes for Thursday, March 13th, on page two, under Item 1 A, the word "deregulation" will be changed to "competition", excuse me. The next paragraph will be changed to read "The Commission determined the following guidelines should be used to determine when a market can be deregulated." We're going to add a subparagraph six, which reads "The Commission determined that the application of the guidelines will be evaluated in the context of the specific facts."

On Page 3, under subparagraph E, second to the bottom line, we're going to delete the words, "on exception to the standard basis."

On Page 4, under subparagraph B after the words "certified", we're going to put "or registered" And, after the words "certification", we're going to put "or registration."

Transcript from 4/3/97 Open Meeting
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On Page 5, the second full paragraph, the third line down, we're going to delete the words "within six months of the implementation of the work group discussions".

On Page 7, after subparagraph three, we're going to delete the last part of that sentence and change it to read, "and noted that universal service in the context of the gas industry does not meet availability statewide".

On Page 10, subparagraph H, we're going to delete the first part of the second line, which reads "unless the LDC is providing terrible service".

And on Page 11, excuse me, subparagraph M, that'll be changed to read, "The commission determined that it was not in a position to unbundle LDC services, but it is an issue that needs to be reviewed."

Under 7-B, after however, we're going to add, "a properly designed pilot is still a possibility, and is not exclusively a work group issue."

And on the minutes for Tuesday, March 25th, under subparagraph 1, we're going to add on the third line, "specified in the WGC February 4, 1997, request".

And there are no other changes or corrections that I'm aware of.

COMMISSIONER PARRINO: I would then move for the adoption of the minutes of March 13th and March 22nd.

COMMISSIONER METTNER: I'll second.

COMMISSIONER EASTMAN: All those in favor say I.

COMMISSIONER METTNER: I.

COMMISSIONER PARRINO: I.

COMMISSIONER EASTMAN: Motion carried.

Could I have information on notices and orders.

THE CLERK: The commissioners have reviewed the proposed notice and orders and have indicated no objection to notice Number 1 and order Number 2 will be laid over.

COMMISSIONER PARRINO: I would move then for the adoption of notice Number 1.

COMMISSIONER METTNER: I'll second.

COMMISSIONER EASTMAN: All those in favor say I.

COMMISSIONER PARRINO: I.

COMMISSIONER METTNER: I.

COMMISSIONER EASTMAN: Motion carried. Okay, then could I have information on the agenda for today.

THE CLERK: The commissions have reviewed the agenda and there are no changes to the suggested minute for three and four and, there is no additional information on items six and seven.

COMMISSIONER PARRINO: I'd move then for the adoption of the